

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING HELD ON  
WEDNESDAY, MARCH 11, 2020 AT 5:00 P.M. IN THE CITY COUNCIL CHAMBERS**

**MAYOR:** Vincent Howell **(Absent)**

*In the absence of the Mayor, the Council members present agreed to have Councilor Montoya preside over the meeting.*

**COUNCILORS:** David G. Romero  
Barbara A. Casey **(Absent)**  
Michael L. Montoya  
David A. Ulibarri, Jr.

**ALSO PRESENT:** Ann Marie Gallegos, Interim City Manager  
Casandra Fresquez, City Clerk  
David Silva, Acting City Attorney **(Absent)**  
David T. Bibb III, Police Chief **(Absent)**

**CALL TO ORDER**

Meeting was called to order by Chairman Montoya at 5:15 PM.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

Councilor Montoya asked for a moment of silence for Mayor Vincent Howell and asked for the community's prayers and that Mayor Howell returns home safely.

Councilor Montoya advised since there is no Mayor or Mayor Pro tem for the meeting, he was advised by the Municipal League that they could still have a

meeting if they had a quorum even though it was cancelled by the Interim City Manager and posted by the City Clerk.

Interim City Manager Ann Marie Gallegos advised she got an opinion from City Attorney Esther Garduno-Montoya at noon and indicated it was best to cancel the meeting because she felt the Mayor Pro Tem issue should be an agenda item since it's a voting issue.

Interim City Manager advised she spoke to City Clerk Casandra Fresquez about her agenda item and advised it could wait until the March 18th Council meeting and that's when she made her decision to cancel the meetings.

Councilor Montoya asked for a point of clarification and stated Esther Garduno-Montoya was no longer an employee of the City.

Interim City Manager Gallegos advised Esther Garduno-Montoya was no longer an employee of the City but knows the City Charter extremely well.

Councilor Montoya advised for the record he called the Municipal League and appointing a Mayor Pro Tem would not be an issue since it was a subject to be discussed and is an internal procedure that needs to happen and is not an action item.

Councilor Montoya advised he was told that Interim City Manager Gallegos or City Clerk Fresquez had no authority cancelling any meeting set by the Mayor or Council.

Councilor Romero advised for clarification and in his opinion that they do not appoint a Mayor Pro Tem and act as the majority of a quorum of the Governing Body.

Councilor Romero stated they gave authorization to run the meeting to Councilor Montoya and advised they don't need to go to the extent of having a Mayor Pro Tem.

Councilor Ulibarri stated that he called the Municipal League regarding the meeting and was there to support what needs to be done for the City.

Councilor Montoya advised he felt that Interim City Manager Gallegos should have

held a poll with the Councilors regarding the cancellation of the meetings and stated he's on the City's payroll and is accountable to the citizens of Las Vegas.

Councilor Montoya advised whether there is a Mayor or not for whatever circumstances the government doesn't stop and advised the City Charter allows for the governing body to continue with their meetings with a quorum.

### **APPROVAL OF AGENDA**

Councilor Romero made a motion to approve the agenda as presented. Councilor Ulibarri, Jr., seconded the motion. Chairman Montoya asked for a roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Michael Montoya	Yes
David G. Romero	Yes		

City Clerk Casandra Fresquez re-read the motion and advised that the motion carried.

### **PUBLIC INPUT**

No public input

### **BUSINESS ITEMS**

1. Approval of Resolution #20-13 Run-Off Election for the City of Las Vegas.

City Clerk Casandra Fresquez advised she was there to seek approval of Resolution #20-13 to get started with the run-off. City Clerk Fresquez gave a brief recap regarding the election held on March 3rd.

City Clerk Fresquez advised the resolution is for Ward 3 and the top two candidates who received the highest votes were Joseph William McCaffrey Jr. with 33.7% of the votes, and Joseph P. Baca Sr. with 49.5% of the votes as per the City Charter.

City Clerk Fresquez stated the Run-off election will take place April 14, 2020 with the resolution in both English and Spanish. City Clerk Fresquez read resolution #20-13 into the record as follows:



**RESOLUTION NO. 20-13**  
**RUNOFF ELECTION FOR THE CITY OF LAS VEGAS, NEW MEXICO**

**WHEREAS**, the regular Municipal Election for municipal officers was held March 3, 2020; and

**WHEREAS**, Article VIII, Section (F)(G) of the City of Las Vegas Charter provides: (F) The election of all municipal elective offices shall be by a simple majority, defined as fifty percent (50%) plus one (1), of the votes cast for the particular offices in question. (G) In the event that no candidate receives a majority of the votes cast for that office, a subsequent run off election shall be held between the two candidates receiving the highest number of votes. The subsequent run-off election shall be held within 45(forty-five) days after certification of the results of the election; and

**WHEREAS**, at the Regular Municipal Election held March 3, 2020, the results for the office of Ward 3 Councilor were as follows:

Joseph William McCaffrey, Jr.	220 votes	33.7%
Joseph P. Baca, Sr.	323 votes	49.5%

with none of the aforementioned candidates receiving fifty percent (50%) plus one (1) of the votes cast for Ward 3 Councilor; and

**WHEREAS**, to fill the elected office of Ward 3 Councilor, a Runoff Election shall be held in accordance with Article VIII, Section G of the City of Las Vegas Charter.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO that:**

- A. A Runoff Election for the election of Ward 3 Councilor shall be held on Tuesday, April 14, 2020. Polls will open at 7:00 A.M. and close at 7:00 P.M.
- B. At the Runoff Election, one person shall be elected to fill the office of Ward 3 Councilor, for a four-year term.
- C. The following location will be designated as polling places for the conduct of the runoff election:
  1. West Las Vegas "Gillie Lopez" Gymnasium, 157 Moreno Street.

2. Robertson High School Michael Marr Gymnasium, 1238 4<sup>th</sup> Street.

- D. Absentee Voting. Applications for absentee ballots may be obtained only from the office of the Municipal Clerk. All applications for an absentee ballot must be completed and accepted by the Municipal Clerk prior to 12:00 p.m., April 10, 2020. The Municipal Clerk will accept completed absentee ballots delivered by mail, or in person by the voter casting the absentee ballot, by a member of the voters' immediate family, or the caregiver of the voter, until 7:00 p.m. on April 14, 2020. Absentee ballots may be marked in person in the office of the Municipal Clerk during regular hours and days of business, beginning on Monday, March 30, 2020.
- E. Early Voting. Early Voting on paper ballots counted by electronic vote tabulator will be conducted in the office of the Municipal Clerk during regular hours and days of business, beginning on Monday, March 30, 2020 through Friday, April 10, 2020 by 12:00 p.m., due to the observance of Good Friday.
- F. The casting of votes by qualified electors shall be recorded on electronic tabulators.
- G. The Municipal Clerk shall conduct the municipal officer runoff election for the City of Las Vegas utilizing the appropriate statutes and election code.

Councilor Montoya asked to amend the resolution to include that only those registered in ward 3 can vote during the run-off election.

City Clerk Fresquez asked if it would be acceptable to add only those voters registered in ward 3 shall be qualified to vote for Councilor in ward 3.

Councilor Romero asked if it was necessary to have both polling sites given the number of voters who go to vote at Mike Marr gym and considering the cost to the City.

City Clerk Fresquez discussed how much the cost was for the first election and how much it would be to have both polling sites or one polling site during the run-off election and advised it would be up to the council as a whole to utilize both sites or just the one.

Discussion took place regarding how many people voted during the March 3rd election and if there were any state statutes requiring the use of two polling sites.



Councilor Romero advised making an amendment to have only one polling site.

Discussion took place regarding how many workers and equipment would be needed if there was just one site.

City Clerk Fresquez advised for the record they would only have one location for a polling place for the run-off election at the Robertson High School Michael Marr gym and the other amendment would be to add the language in reference to voters registered in ward 3.

Councilor made a motion to adopt Resolution #20-13 to approve the Run-Off Election for the City of Las Vegas with the amendments as presented. Councilor Ulibarri, Jr., seconded the motion.

Resolution No. 20-13 was presented as follows:

**RESOLUTION NO. 20-13**  
**RUNOFF ELECTION FOR THE CITY OF LAS VEGAS, NEW MEXICO**

**WHEREAS**, the regular Municipal Election for municipal officers was held March 3, 2020; and

**WHEREAS**, Article VIII, Section (F)(G) of the City of Las Vegas Charter provides: (F) The election of all municipal elective offices shall be by a simple majority, defined as fifty percent (50%) plus one (1), of the votes cast for the particular offices in question. (G) In the event that no candidate receives a majority of the votes cast for that office, a subsequent run off election shall be held between the two candidates receiving the highest number of votes. The subsequent run-off election shall be held within 45(forty-five) days after certification of the results of the election; and

**WHEREAS**, at the Regular Municipal Election held March 3, 2020, the results for the office of Ward 3 Councilor were as follows:

Joseph William McCaffrey, Jr.	220 votes	33.7%
Joseph P. Baca, Sr.	323 votes	49.5%

with none of the aforementioned candidates receiving fifty percent (50%) plus one (1) of the votes cast for Ward 3 Councilor; and

**WHEREAS**, to fill the elected office of Ward 3 Councilor, a Runoff Election shall be held in accordance with Article VIII, Section G of the City of Las Vegas Charter.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO that:**

- A. A Runoff Election for the election of Ward 3 Councilor shall be held on Tuesday, April 14, 2020. Polls will open at 7:00 A.M. and close at 7:00 P.M.
- B. At the Runoff Election, one person shall be elected to fill the office of Ward 3 Councilor, for a four-year term.
- C. The following location will be designated as polling places for the conduct of the runoff election:
  - 1. West Las Vegas "Gillie Lopez" Gymnasium, 157 Moreno Street.
  - 2. Robertson High School Michael Marr Gymnasium, 1238 4<sup>th</sup> Street.
- D. Absentee Voting. Applications for absentee ballots may be obtained only from the office of the Municipal Clerk. All applications for an absentee ballot must be completed and accepted by the Municipal Clerk prior to 12:00 p.m., April 10, 2020. The Municipal Clerk will accept completed absentee ballots delivered by mail, or in person by the voter casting the absentee ballot, by a member of the voters' immediate family, or the caregiver of the voter, until 7:00 p.m. on April 14, 2020. Absentee ballots may be marked in person in the office of the Municipal Clerk during regular hours and days of business, beginning on Monday, March 30, 2020.
- E. Early Voting. Early Voting on paper ballots counted by electronic vote tabulator will be conducted in the office of the Municipal Clerk during regular hours and days of business, beginning on Monday, March 30, 2020 through Friday, April 10, 2020 by 12:00 p.m., due to the observance of Good Friday.
- F. The casting of votes by qualified electors shall be recorded on electronic tabulators.
- G. The Municipal Clerk shall conduct the municipal officer runoff election for the City of Las Vegas utilizing the appropriate statutes and election code.

**ADOPTED AND APPROVED THIS 11th day of March, 2020.**

---

**Mayor Vincent Howell**

**ATTEST:**



---

Casandra Fresquez, City Clerk

**RESOLUCIÓN NO. 20-13**

**SEGUNDA VUELTA A LA CIUDAD DE LAS VEGAS, NUEVO MEXICO**

**Considerando que**, las elecciones municipales de regular para los funcionarios municipales se celebró 03 de Marzo de 2020; y

**Considerando que**, Artículo VIII, sección de (F)(G) de la ciudad de la carta de Las Vegas ofrece: (F) la elección de todos los cargos electivos municipales deben ser por mayoría simple, definido como el cincuenta por ciento (50%) más uno (1), de los votos emitidos para las oficinas particulares en cuestión. (G) en caso de que ningún candidato recibe una mayoría de los votos emitidos para la Oficina, una elección de segunda vuelta se celebrará entre los dos candidatos que reciban el mayor número de votos. La elección de segunda vuelta se celebrará dentro de 45(cincuenta y cinco) días después de la certificación de los resultados de la elección; y

**Considerando que**, en la elección Municipal ordinaria celebrada el 03 de Marzo de 2020, los resultados para consejal de barrio 3 fueron los siguientes:

Joseph William McCaffrey, Jr.	220 votos	33.7%
Joseph P. Baca, Sr.	323 votos	49.5%

con ninguno de los candidatos mencionados recibiendo cincuenta por ciento (50%) más uno (1) de los votos para consejal de barrio 3; y

**Considerando que**, para llenar el cargo elegido consejal de barrio 3, se celebrará la elección de segunda vuelta de conformidad con el artículo VIII, sección G de la ciudad de la carta de Las Vegas.

**POR ESO AHORA, SEA, RESUELTO POR EL CUERPO ADMINISTRATIVO DE LA CIUDAD DE LAS VEGAS, NUEVO MEXICO QUE:**

- A. una segunda vuelta para la elección de consejal de barrio 3, se reunirá en Martes, 14 de abril de 2020. La votación será abierta a las 7:00 a.m. y cerrada a las 7:00 p.m.



- B. en las elecciones de segunda vuelta, se elegirá una persona para ocupar la Oficina del Consejero de barrio 3, para un mandato de cuatro años.
- C. las siguientes ubicaciones están designadas como lugares para la realización de las elecciones de segunda vuelta de votación:
1. Escuela Secundaria de Las Vegas Oeste, gimnasio de Gillie Lopez, calle 157 Moreno.
  2. Escuela Secundaria de Robertson gimnasio de Michael Marr, calle 1 238 4th.
- D. Votación en Ausencia Solicitudes para obtener balotas para votar en ausencia pueden ser obtenidas únicamente de la oficina de la Escribana de la Municipalidad. La Escribana de la Municipalidad debe llevar y aceptar todas las solicitudes para obtener una balota para votar en ausencia antes de las 12:00 p.m. el 10 de abril de 2020. La Escribana de la Municipalidad aceptará las balotas completadas por el votante que emite su balota, con el fin de votar en ausencia, que se le entregue por correo o en persona o por un miembro de la familia inmediata del votante, o del cuidador del votante hasta las 7:00 p.m. el 14 de abril de 2020. Boletas de ausente pueden marcarse en persona en la Oficina del Secretario Municipal durante el horario y días de negocio, comenzando el lunes, 30 de marzo de 2020.
- E. Votación anticipada. Votación anticipada sobre boletas de papel serán contadas pendiendo de votación electronica, se realizarán en la Oficina del Secretario Municipal durante el horario y días de negocios, comenzando en lunes, 30 de marzo de 2020 hasta el viernes 10 de abril de 2020 a las 12:00 p.m., debido a la observancia de Viernes Santo.
- F. Se archivará un récord de los votos de los electores municipales calificados en papeletas, de las cuales se hará un recuento por tabuladores electrónicos.
- G. El Secretario Municipal llevará a cabo la elección de votación de segunda vuelta de oficiales municipales para la ciudad de Las Vegas uilizando los estatutos apropiados y el código electoral.

**ADOPTADA Y APROBADA ESTE DÍA 11 DE marzo DE 2020.**

---

**Vincent Howell, Alcalde**

**ATESTIGUADO:**

---

**Casandra Fresquez, escribana de la ciudad**

Chairman Montoya asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr,	Yes	Michael L. Montoya	Yes
David G. Romero	Yes		

City Clerk Casandra Fresquez re-read the motion and advised that the motion carried.

**EXECUTIVE SESSION**

Chairman Montoya advised there was no need for executive session.

**ADJOURN**

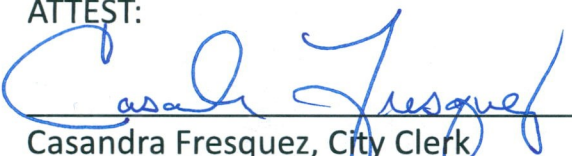
Councilor Ulibarri, Jr., made a motion to adjourn. Councilor Romero seconded the motion. Chairman Montoya asked for a roll call. Roll Call Vote was taken and reflected the following:

Michael L. Montoya	Yes	David A. Ulibarri, Jr.	Yes
David G. Romero	Yes		

City Clerk Casandra Fresquez re-read the motion and advised that the motion carried.

  
\_\_\_\_\_  
Mayor Louie A. Trujillo

ATTEST:

  
\_\_\_\_\_  
Casandra Fresquez, City Clerk